

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 18 (BUILDING AND  
CONSTRUCTION), BY CREATING CHAPTER 18.46 (LANDSCAPE),  
OF THE EL PASO CITY CODE AND DELETING CHAPTER 20.65 (LANDSCAPE).  
THE PENALTY BEING AS PROVIDED  
IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

**WHEREAS**, by Ordinance No. 012399 enacted on May 23, 1995, the City Council of the City of El Paso, Texas, adopted the landscape Ordinance of the City of El Paso to be effective September 1, 1995; and

**WHEREAS**, by Ordinance No. 014090 enacted June 1, 1999, the City Council of the City of El Paso, Texas, approved modifications to the Landscape Ordinance; and

**WHEREAS**, BZAC, the CPC and the City Council of the City of El Paso have determined that quality of life, increased property values and aesthetics are important issues and concerns affecting El Paso; and

**WHEREAS**, proper landscaping and irrigation will augment those qualities while helping to improve air purification, storm water run-off, noise reduction and heat abatement while conserving energy, water and other natural resources; and

**WHEREAS**, landscape standards can enhance the quality of life and enhance the general welfare and beauty of El Paso by creating and maintaining visual environmental amenities; and

**WHEREAS**, landscape standards can promote water conservation through efficient landscape and irrigation standards; and

**WHEREAS**, the amendments herein provided are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development and enhanced quality of life.

**NOW, THEREFORE, be it ordained by the City Council of the City of El Paso:**

**A.** That Title 20 (Zoning), shall be and hereby is amended by deleting Chapter 20.65 (Landscape) in its entirety.

**B.** That Title 18 (Building and Construction) shall be and hereby is amended by adding Chapter 18.46 (Landscape) to read as follows:

## **Chapter 18.46**

### **LANDSCAPE**

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## **Article I – General Provisions**

### **18.46.100 Title.**

This chapter shall be known as the landscape ordinance for the City of El Paso, Texas

### **18.46.110 Applicability.**

This Chapter shall apply to the incorporated area of the City of El Paso, Texas.

### **18.46.120 Purpose and Intent:**

The purpose of this chapter is to encourage Landscape Designers and commercial property owners in the design and placement of landscaping materials in a good, economically viable, and environmentally sensitive manner as to improve the aesthetics of development, construction, and the quality of life for all El Pasoans. This document is intended to simplify the permitting, inspection, and enforcement process while encouraging creative landscaping, reliable & safe irrigation systems, and quality plants to improve the value of development and construction.

This ordinance is further intended to substantially reduce summer and fall ambient temperatures and energy use while improving air and water quality through the use of good landscaping design and construction which encourages plant growth by using water more productively through improvements in technology, water harvesting and drainage techniques, and which also prevents irrigation water from being deposited on any public drainage conveyance, public street or parking lot when such water does not drain back onto the property from which it came or into a water harvesting system.

This chapter shall always encourage the use of quantifiable, generally recognized, scientific standards and methods as well as TCEQ regulations and manufacturer's recommendations in evaluating all designs. This chapter shall not be used to stifle creativity or innovation.

### **18.46.130 Exemptions**

This chapter specifically exempts the application of the Landscape Provisions of the code to the following:

- A. Restoration of damage to a structure of substantially (i.e. 90-110%) the same footprint and within the twelve (12) months subsequent to a fire, explosion, cold, storm, or accident of any kind.
- B. Building restoration for historic structures.
- C. Expansion of existing parking lot by less than twenty-five percent (25%) of the existing parking lot (truck courts and truck & trailer parking lots exempt). The new parking lot area shall comply with the provisions of this Ordinance.
- D. Truck courts and truck & trailer parking lots. See 18.46.190 Parking Lots & Vehicular Use Areas.
- E. Projects on Federal or State of Texas land.
- F. Any existing development which changes its use from an approved use to any other approved use within the same zoning category.
- G. All existing landscaping when replaced with equivalent quantities of a different type of landscaping from the Approved Plant List.

- H. Properties being developed in accordance with a previously approved landscape plan, concept plan or subdivision plat approved by the city prior to the date of adoption of the ordinance codified in this chapter.
- I. Expansion of an existing development when the existing landscaping within the development would satisfy the requirements of this chapter if the entire development were treated as new development.
- J. Any property, which may be covered by any previously existing contract or covenant which may have provisions differing from this Ordinance. When there is a conflict between the requirements of this chapter and any restrictive covenant, agreements or other requirements imposed on the property, the more stringent requirement shall apply.
- K. In no instance shall the required on-site parking be required to be reduced to satisfy the landscaping requirements of this Chapter.

**18.46.140 Interpretation.**

- A. The provisions of this chapter shall be interpreted and applied as the minimum requirements for landscaping in the city.
- B. It is not intended that this chapter shall interfere with, abrogate or annul any restrictive covenants or other agreements between individual parties. When there is a conflict between the requirements of this chapter and any restrictive covenant, agreements or other requirements imposed on the property, the more stringent requirement shall apply.
- C. Nothing in this chapter shall be construed to annul or waive requirements in any other applicable city ordinances.

**18.46.150 Procedures**

- 1. The landscape and irrigation plans and specifications, where applicable, shall conform to all applicable codes.
- 2. Landscape areas in arterials shall be subject to the approval of the City of El Paso Director of Streets and the City of El Paso Traffic Engineer as to safety and location, and subject to the City of El Paso Landscape Ordinance (see Section 18.46.700 - Medians).
- 3. In new developments, landscaping plans for arterial medians shall be submitted with the subdivision improvement plans.
- 4. On existing medians, an application requesting to Adopt a Median or Landscape a Median shall be submitted to the City of El Paso Director of Streets for approval. If approval is granted by the City of El Paso, then all other appropriate provisions of this Ordinance shall be followed

**Article II - Definitions**

**18.46.200 Rules of construction.**

The following rules of construction shall apply;

- A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- B. Words used in the present tense include the past and future tenses, and the future the present.

- C. The word “shall is always mandatory. The word “may” is permissive.
- D. Words and terms not defined herein shall be interpreted in accord with Webster's Third New International Dictionary. Copyright 1986.

#### **18.46.210 Definitions**

As used in this chapter:

**“Approved Irrigator”** means a Texas Licensed Landscape Irrigator, a Texas Registered Landscape Architect or either a Texas Registered Architect or Texas Registered Engineer doing incidental work on the architect's or engineer's own project in accordance with State law.

**“Approved Plant List”** means that certain list of plants and shrubs prepared initially by the City of El Paso Tree Board, approved by Resolution by the City Council as may be amended from time to time.

**“Arterial”** means a street designated in the City of El Paso Major Thoroughfare Plan, which is designed to carry higher traffic volume than the amount carried on a local street.

**“Automatic controller”** means a mechanical, electrical or hybrid solid state timing device, capable of operating valve stations by set days of the week and the length of time of water application.

**“Back flow prevention device”** means a safety device used to prevent pollution or contamination of the potable water supply due to the reverse flow of water from the irrigation system.

**“Berm, earthen”** means an earthen mound designed to provide visual interest or screen undesirable views and decrease noise.

**“Caliper”** means the minimum diameter of a tree as measured six inches above the grade for trees under four inches in diameter and twelve inches above grade for trees four inches in diameter and larger. For multiple trunk trees, the diameter shall be based on the caliper of the largest trunk plus half the caliper of the next three largest trunks.

**“Director”** means the Building Permits & Inspections Director or designee.

**“Deciduous”** means a plant that sheds its foliage annually.

**“Development - Commercial”** means all developments other than single-family developments as defined herein under “Development - Single Family”, Multi-Family Development as defined herein under “Development -Multi-Family”, and “Parks - Public:” as defined herein.

**“Development - Multi-Family”** means all developments containing detached and attached units where the occupants are primarily temporary in nature or do not own fee simple title to the land or fee simple title to the residence.

**“Development - Single Family”** means developments containing detached and attached single, duplex, triplex, quadraplex, six-plex or eight-plex residential dwelling unit(s) and townhouses where the occupants are primarily permanent in nature, or where fee simple title to the land under the residence is held by the owner of the residence. The term does not include multifamily developments such as apartments and yet does include condominiums.

**“Evergreen”** means a plant with foliage that persists and remains green year round.

**“Finish grade”** means the ground elevation in its final and finished state before any landscape is installed. (see grading ordinance)

**“Frontage”** means the property line where a parcel of land, lot, or site abuts a public right-of-way.

**“Grass”** see turf or turf grass.

**“Gross Building Area”** means the total enclosed area of a building exterior dimensions, excluding covered walkways or exterior fire escapes.

**“Ground Cover - Inorganic”** means material such as gravel, river rock, shell or other similar materials that are used as a ground cover.

**“Ground Cover - Organic”** means turf or living plants which are placed to prevent erosion, lower soil temperature and maintain soil moisture levels,

**“Hardscape”** means the use of solid non-organic materials such as rock or stone, concrete, asphalt, brick, etc.

**“Horticulturist”** means someone educated in the science of cultivating plants (fruit or flowers or vegetables or ornamental plants) and who holds a degree from an institution of higher learning that grants bachelor's degrees in the science or art of cultivating fruits, vegetables, flowers, or ornamental plants.

**“Impervious Soil”** means soil which is extremely dense (cementitious sedimentary soil) through which water will not readily penetrate adding to potential Stormwater Runoff.

**“Impervious surfaces”** means any surface such as roofing, solid surface plastic materials, solid surface oil-impregnated materials, concrete, asphalt, etc. through which water will not readily penetrate adding to potential Stormwater Runoff.

**“Irrigation - Temporary”** means an irrigation system installed above ground for the purpose of establishing native vegetation, grasses or wildflowers.

**“Landscapable area”** means the required area of the parkway plus the portion of the property between the building(s) walls and the property lines along the street frontage(s) to be landscaped as per Section 18.46.420. Landscapable Area shall also mean other areas within the site, after the parkway is landscaped, that may be placed at the sides of building(s), between building(s) or at the rear of building(s) according to the owners discretion, as outlined in 18.46.420. Areas used for driveways, signage, sidewalks or other hard surface improvements shall not be counted as landscapable areas.

**“Landscape”** means landscaping.

**“Landscape Architect”** means a Registered Landscape Architect licensed to do business in the State of Texas.

**“Landscaping”** means any combination of living plants, such as trees, shrubs, vines, ground cover or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including, but not limited to, outdoor artwork, screens walls, fences, or benches.

**“Landscape Designer”** means Texas Registered Landscape Architect, Texas Licensed Landscape Irrigator, Texas Registered Architect, Texas Registered Engineer or a Horticulturist.

**“Median”** means the area within the Public right-of-way, which separates two (2) opposite directions of traffic.

**“Mulch”** means organic and/or inorganic material, which is placed to prevent erosion, lower soil temperature and maintain soil moisture levels

**“Palm”** means a long-lived plant of the family Palmae having a minimum eight feet (8') unbranched clear trunk crowned by large pinnate or palmate leaves. For the purposes of this Ordinance two Palms of eight feet (8') of clear trunk or more shall mean a tree. Refer to 18.46.310.F.1.a.3

**“Parkway”** means that area of the street right-of-way between the edge of the property line and the curb, or the edge of the pavement, or edge of the traveled area or way where no curb exists and property line.

**“Parking Spaces”** are those spaces for the parking of cars and pick-up trucks and specifically excludes trailers and 18-wheel vehicles. See Zoning Ordinance 20.02.560 definition of “Off Street Parking Space”

**“Plant, Native or Adapted”** means a commercially grown or legally harvested plant material hardy to the natural conditions of the region, which once established is capable of sustaining growth without supplemental watering.

**“Pond”** means a depression in the soil intended to retain &/or detain both storm water and all excess irrigation water.

**“Project Trees, Small”**: A tree that, under natural conditions, will normally attain a mature height of less than thirty (30) feet.

**“Project Trees, Medium”**: A tree that, under natural conditions, will normally attain a mature height of between thirty (30) and fifty (50) feet.

**“Project Trees, Large”**: A tree that, under natural conditions, will normally attain a mature height of over fifty (50) feet.

**“Property line”** means the boundary line of a parcel of land defined by metes and bounds in a recorded deed or by boundary lines on a recorded map, which marks the division between the area for a public street and the property abutting upon the street.

**“Public Drainage Conveyance”** means any public improvement (i.e. streets, hard surfaced drainage channels, storm sewers) on or through which water is removed from any property. Landscaped improvements on public property shall not be a part of this definition.

**“Screening”** means an area used to separate different uses. Screening consists of living plant material, natural or man-made construction material, berms, slopes or a combination thereof, which will have an installation minimum height at maturity of twenty (20) feet.

**“Shrub”** means a woody plant, deciduous or evergreen, generally multi-stemmed with small branches near the ground, and smaller growing than a tree.

**“Stormwater”** means a build up of naturally occurring precipitation (water), which falls on any parcel of land (site or watershed) of any given size.

**“Stormwater Runoff”** means an excess of Stormwater that cannot be absorbed, retained, or detained by Swales, Ponds, soil’s infiltration, plant materials, site (water shed) retention methods, or loss by evaporation that leaves the site (watershed) by means of a visible surface flow.

**“Swale”** means a landscape design using raised or depressed earthen channel of any depth or width designed to direct or move water to or from Ponds, other Swales, channels, arroyos or Public Drainage Conveyance.

**“Tree, Canopy”** means a deciduous or evergreen tree, which is capable of obtaining a minimum canopy spread of twenty feet (20.0’) at maturity. Branching structure shall be maintained at a minimum height of seven feet (7’) above the sidewalk area ground, three feet from the trunk.

**“Tree, Median”** means a deciduous or evergreen tree which is capable of obtaining a minimum canopy spread of fifteen feet (15.0’) at maturity and a maximum height at maturity of twenty five (25) feet. Branching structure shall be maintained at a minimum height of eight feet above the sidewalk ground area, three feet from the trunk.

**“Tree, Parkway”** means a deciduous or evergreen tree which is capable of obtaining a minimum canopy spread of fifteen feet at maturity and a maximum height at maturity of twenty (20) feet. Branching structure shall be maintained at a minimum height of eight feet (8.0’) above the sidewalk ground area, three feet from the trunk. Palm trees may be used as Parkway trees as determined by Section 18.46.400 C3 - Palm Trees.

**“Tree, Project”** means trees that are required based upon calculations as determined by Section 18.46.320 of this chapter. Such trees shall be healthy and vigorous at time of planting.

**“Turf or Turf Grass”** means a surface layer of soil bound by grass and its roots into a thick mat that requires regular maintenance, mowing and watering.

**“Vehicular Loading Area”** means a paved area designed to accommodate the maneuvering, loading and unloading and parking of commercial vehicles having a length of less than twenty-seven (27) feet.

**“Vehicular Use Area”** is any area, excluding public rights-of-way, used for the purpose of driving, maneuvering, parking, storing or display of motor vehicles, boats, trailers, mobile homes and recreational vehicles, including new and used automobile lots, and other parking lot uses.

**“Visual Screen”** see **“Screening”**

**“Water Harvesting”** means the process of intercepting irrigation or stormwater from a surface such as a roof, parking area or land surface and putting it to beneficial use thereby reducing runoff and making maximum use of irrigation and rain water.

**“Weed barrier”** means a porous overlay material used beneath mulch materials to reduce the germination and growth of unwanted plant material while allowing the percolation of water.

**“Xeriscape”** means quality landscape that conserves water and protects the environment by using Greenscaping and Hardscape techniques to balance the use of trees, shrubs, desert plantings, flowering plantings, turf and hardscape surfaces. Landscapes composed of concrete, asphalt, stone, rocks, boulders and desert plantings alone do not qualify as Xeriscape or a good quality landscaping. Xeriscape uses seven (7) essential elements: careful planning and design, soil improvement, appropriate plant selection, practical turf use areas, efficient irrigation, mulching and appropriate maintenance.

### **Article III - Standards**

#### **18.46.300 Scope.**

##### **A. General.**

All projects that are governed by this chapter shall provide landscaping in accordance with the requirements of this chapter. An underground automatic irrigation system, which complies with the requirements of this chapter, shall be provided for all required landscape areas.

##### **B. Applicability of Standards.**

The provisions of this chapter shall apply only to the following uses, unless exempted by the provisions of subsection C of this section:

1. All new commercial development;
2. Expansion of an existing development, regardless of size, pursuant to the following:
  - a. For buildings originally built pursuant to and in compliance with landscape ordinance no. 014090 adopted 6/1/1999, landscaping shall only be required so as to maintain the same landscaping square footage area and vegetation amounts originally required by that ordinance. Any replacement vegetation types shall comply with this chapter.
  - b. For buildings originally built prior to adoption of landscape ordinance no. 014090 adopted 6/1/1999, compliance with this chapter is necessary unless, the building now being expanded is proven to have complied with landscape ordinance no. 012399 adopted 5/23/1995.
  - c. For buildings built prior to 1995, the provisions of this chapter are applicable, except that all required landscaping, after complying with parkway landscaping requirements, may be placed anywhere on the site, including areas not otherwise allowed by this chapter.



- d. For buildings expanding from the current site area onto non-developed land adjacent to the existing site area, such expansion site area shall comply with this chapter, and the portion of the building on the original site shall comply with a, b, or c above.
3. Any construction of a new parking lot;
4. Any expansion of an existing parking lot or vehicular use area by more than twenty-five percent (25% of the existing parking lot);
5. Any existing commercial building that is removed/demolished and replaced by new construction on a site that does not comply with the landscape requirements of this chapter;
6. All new landscaping when required or provided;
7. All new irrigation systems when required or provided when water is supplied by the El Paso Water Utilities.

#### **18.46.310 Landscape Standards**

- A. **Plants:** All plants to be used in the landscape design shall come from the Approved Plant List. All plants and trees shall be healthy and vigorous at the time of planting.
- B. Plants shall generally be grouped within water use zones in accordance with their respective requirements of soil, climate, sun-light and water needs as shown on the "Approved Plant List". No more than five percent (5%) of the plants or plant area in a given zone shall be of a type inappropriate to the zone.
  1. Water Use Zones:
    - a. **High Water Use Zone:**
      1. Is a zone, which is characterized by plants of high transpiration and shallow rooting, which require regular supplemental water in addition to natural rainfall to survive.
      2. The combined size of all high water use zones in the required landscapable area shall be limited to twenty (20%) of the required landscapable area.
    - b. **Moderate Water Use Zone:**
      1. Is a zone, which is characterized by plants that, once established, survive on natural rainfall with supplemental water during seasonal dry periods.
      2. The combined size of moderate and low water use zones in the required landscapable area shall be a minimum of eighty percent (80%) of the required landscapable area.
    - c. **Low Water Use Zone:**
      1. Is a zone, which is characterized by plants that survive on natural rainfall with very minimal supplemental water once established.
    - d. The combined size of moderate and low water use zones in the required landscapable area shall be a minimum of eighty percent (80%) of the required landscapable area.

#### **C. Required Design**

A Landscape Architect or Landscape Designer shall design the landscaping for commercial development (see "Development - Commercial" and "Development - Multi-Family") for required landscape areas up to and including twelve thousand, five hundred (12,500) square feet.

However, a Landscape Architect shall design required landscapable areas greater than twelve thousand, five hundred (12,500) square feet.

**D. Turf Limitations.**

1. Turf shall only be planted in areas that have a minimum of six (6) inches of topsoil.
2. Turf shall only be planted in areas that were properly amended with organic matter. A minimum of three (3) cubic yards of organic matter per each one thousand square feet of soil must be incorporated to a depth of at least 6 inches by tilling, discing or other suitable method. Examples of acceptable organic matter include properly aged decayed organic materials or combination of different organic materials or compost. Mountain peat and inorganic materials, including but not limited to, sand, gypsum and lime are not acceptable as organic amendments. Other amendments may be added to achieve optimal soil conditions.
3. Turf that requires regular mowing shall not be installed on slopes exceeding 3:1 (H:V) of more than ten feet (10') in width, unless approved by the Director to match existing conditions or surrounding development. Turf grass is specifically prohibited in parkways. See 15.13.130

**E. Planting Limitations.**

1. In the instance of Impervious Soils, plant materials shall only be set in areas that have a minimum of six (6") inches of topsoil.
2. All planting areas for flowering plants, one (1) gallon in size, shall be in properly prepared six (6") inch deep planting beds filled with topsoil and organic matter. A minimum of three (3) cubic yards of organic matter per each one thousand (1,000) square feet of topsoil must be incorporated to the depth of the roots. Examples of acceptable organic matter include properly aged decayed organic materials or combination of different organic materials or compost. Mountain peat and inorganic materials, including but not limited to, sand, gypsum and lime are not acceptable as organic amendments. Other amendments may be added to achieve optimal soil conditions.
3. All planting areas for shrubs and ground covers, sizes from one (1) gallon to fifteen (15) gallon, shall be in properly prepared planting pits filled with topsoil and organic matter. The minimum size of the planting pits shall be twice (2X) the shrub or ground cover container size. A minimum of one (1) cubic yard of organic matter per each six (6) cubic yards of topsoil must be incorporated to the depth of the pits. Examples of acceptable organic matter include properly aged decayed organic materials or combination of different organic materials or compost. Mountain peat and inorganic materials, including but not limited to, sand, gypsum and lime are not acceptable as organic amendments. Other amendments may be added to achieve optimal soil conditions.
4. All planting areas for trees, sizes 15-gallon and larger or balled and burlapped materials, shall be in properly prepared planting pits filled with topsoil and organic matter. The minimum size of the planting pits shall be three-times (3X) the tree container or root ball size. A minimum of one (1) cubic yard of organic matter per each six (6) cubic yards of topsoil must be incorporated to the depth of the pits. Examples of acceptable organic matter include properly aged decayed organic

materials or combination of different organic materials or compost. Mountain peat and inorganic materials, including but not limited to, sand, gypsum and lime are not acceptable as organic amendments. Other amendments may be added to achieve optimal soil conditions.

## **F. Trees.**

### **1. Project Trees.**

- a. Project trees shall be a minimum of:
  1. One (1) two inch caliper tree with a minimum height by eight (8') feet, or
  2. Two (2) each 1-1/2" caliper trees with a minimum height of six (6) feet, or
  3. Two (2) palm trees having a minimum clear trunk height of eight (8'). In no event shall palm trees account for more than twenty percent (20%) of the required project trees.
- b. Trees planted adjacent to circulation areas shall be planted and maintained (for safety), with the branching structure having a minimum of six feet eight inches (6'8") clearance from ground level within three feet from the trunk or at any point over a pedestrian area, whichever is greater, and ten (10') feet over driveways and parking areas.
- c. Project trees shall be planted in beds with the following minimum area:
  1. Tree Size Small: Twenty-five (25 sq. ft.) square feet of surface area with no dimension smaller than four (4) feet and with seventy-five (75) cubic feet of soil within the twenty-five (25 sq. ft.) square feet;
  2. Tree Size Medium: Forty Eight (48) square feet of surface area with no dimension smaller than six (6) feet and with one hundred forty-four (144) cubic feet of soil within the forty-eight (48) feet;
  3. Tree Size Large: One hundred (100) square feet of surface area with no dimension smaller than eight (8) feet and with three hundred (300) cubic feet of soil within the one hundred (100 sq. ft.) square feet.

### **2. Canopy trees.**

- a. Canopy trees shall be a minimum of two inches (2") caliper by eight (8") feet high or two (2) each on and one half (1-1/2") inch caliper trees with a minimum height of six feet (6').
- b. Canopy trees shall be planted in beds with the following minimum area:

Tree Size Small: Twenty-five (25 sq. ft.) square feet of surface area with no dimension smaller than four (4) feet and with seventy-five (75) cubic feet of soil within the twenty-five (25 sq. ft.) feet;

  1. Tree Size Medium: Forty Eight (48) square feet of surface area with no dimension smaller than six (6) feet and with one hundred forty-four (144) cubic feet of soil within the forty-eight (48) feet;
  2. Tree Size Large: One hundred (100 sq. ft.) square feet of surface area with no dimension smaller than six feet eight

inches (6'-8") and with three hundred (300) cubic feet of soil within the one hundred (100) feet.

- c. Trees planted adjacent to circulation areas shall be planted and maintained for safety, with the branching structure having a minimum of six feet eight inches (6'-8") clearance from ground level within three feet (3') from the trunk or at any point over a circulation, pedestrian, vehicular or pedestrian areas.

**G. Shrubs.**

- 1. All required shrubs shall be installed and maintained in a suitable planting bed.
- 2. Shrubs shall be five (5) gallon container by eighteen (18") inches high (except for dwarf species).
- 3. Shrubs within parkways shall be low-water, drought resistant.
- 4. Existing shrubs may be preserved and incorporated into the site landscaping.

**H. Palms.**

- 1. Palm species plants shall count as required project or parkway trees on a two for one basis (Palm to Tree, respectively) and for up to twenty percent (20%) of the required project trees.

**I. Inorganic Ground Cover.**

- 1. Inorganic covers such as gravel, river rock, shell and similar materials may be used as a landscape ground cover.
- 2. Non-porous materials shall not be installed under inorganic ground cover. A weed barrier may be installed under organic ground cover.

**J Organic Ground Cover**

- 1. Organic ground cover such as organic mulch, wood chips or bark may be used as a landscape ground cover.
- 2. Non-porous materials shall not be installed under organic ground cover. A weed barrier may be installed under organic ground cover.

- K. In no case shall the required landscapable area exceed ten percent (10%) of the total site area and no more than forty percent (40%) of the landscapable area as specified in 18.46.420.C shall be relocated from the adjacent frontage landscapable area may be placed at the side(s) of the building(s), between the building(s), or at the rear of the building(s).

**18.46.320 Irrigation Standards**

- A. Irrigation systems shall be installed in accordance with the standards and requirements of the irrigation equipment manufacturer, the Texas Commission on Environmental Quality, and the International Plumbing Code (as may be modified by the City of El Paso) and shall be designed by an Approved Irrigator as defined in Section 18.46.210.
- B. The source of irrigation water, whether potable or reclaimed, as provided by the City of El Paso Water Utilities, shall be indicated on the irrigation plans.
- C. When using a potable irrigation water source, an approved backflow prevention device shall be installed in accordance with the City of El Paso Plumbing Code. Such device

shall be a pressure vacuum breaker or a reduced pressure assembly as appropriate for the project location. No other type of backflow prevention device shall be permitted.

- a. Installation of a Double Check Valve Assembly shall be allowed in medians only with the prior approval of El Paso Water Utilities Cross Connection Program Manager and shall be monitored twice a year by a TCEQ Certified Backflow Technician.
- D. All irrigation systems shall include an automatic controller with multiple programs, multiple repeat cycle capabilities, and a flexible calendar program.
- E. Drip and spray systems shall be placed on separate valves.
- F. Sprinklers located next to sidewalks or paving shall be installed with swing joint assembly.
- G. Irrigation piping installed under sidewalks driveways or paved areas shall be installed with sleeving.
- H. Spray heads shall not be used in the Public Right of Way. (See Article VI - Parkways and Article VII - Medians for irrigation requirements.)
- I. Reclaimed water shall be used for irrigation whenever the cost of connecting to the reclaimed water line does not exceed the cost of connecting to a separate El Paso Water Utility landscape meter..
- J. A Licensed Irrigator must display the registration number in the form of "LI\_\_\_\_\_" in block letters, at least two inches (2") high, on both sides of all vehicles used by them or by their employees for installation service or repair of irrigation systems.
- K. Irrigation systems using spray or rotary heads must be designed and installed not to exceed the manufacturer's maximum recommended head to head spacing for a specific nozzle operation at a specific pressure.
- L. The State of Texas will determine what actions constitute violations and institute appropriate disciplinary action, which may lead to monetary penalties and/or the suspension or revocation of a license in accordance with the applicable state statutes
- M. Moisture sensing, wind and/or rain shut off switch equipment shall have the capability to override the irrigation system when adequate precipitation or soil moisture has occurred.
- N. Each valve shall irrigate a landscape with similar site, slope, soil conditions and plant materials with similar water needs.
- O. Spray heads shall not be used in the following locations:
  - a. Parkway; and
  - b. Medians; and
  - c. In areas less than 10 feet in any horizontal dimension and surrounded by hardscape; and
  - d. On slopes exceeding 3:1 (H: V).
- P. Turf and non-turf areas shall be irrigated on separate valves.
- Q. Check valves shall be required where elevation differences will cause low-head drainage.
- R. Storm retention pond areas that are irrigated shall incorporate, in the design, separate valves for the basin and slope areas. A moisture sensor shall be installed in the basin.
- S. Temporary irrigation systems may be allowed for up to twenty-four (24) months to permit the establishment of native vegetation, grasses or wildflowers.

#### **18.46.330 Installation and Maintenance**

- A. Landscape and Irrigation Systems shall be installed in accordance with the approved plan. Minor changes may be made to the landscape design (plant materials and irrigation system), by the Landscape Designer without approval of the Director, so long as the changes comply with the minimum standards applicable to this Chapter. Revisions shall not be required to be submitted for minor plant material location changes. The definition of minor plant material location changes is:
1. A relocation of landscapable area of up to twenty percent (20%) of the required area within the required landscapable area and/or,
  2. A relocation of up to twenty percent (20%) of the required project trees, canopy trees, or shrubs so long as the material is relocated within the required landscapable area and approved in writing by the landscape designer. The permit holder must submit a copy of the changes and attach same to the city set of approved plans prior to the issuance of a clear final inspection and Certificate of Occupancy.
  3. Relocation of plant material or landscapable area shall be confined to the primary area between the portion of the property between the building(s) walls and the property lines along the street frontage(s), when the approved plans have been submitted utilizing 18.46.420.C .
- B. Installation shall be completed prior to the issuance of the final Certificate of Occupancy
- C. In situations where climatic conditions, plant availability or other unforeseen circumstances reasonable delay the complete installation of the required plant material, the work may be extended for a period of six (6) months on a continuing basis as determined by the Director.
- D. Landscaping shall be properly maintained. Landscaping which dies shall be replaced by the owner as expeditiously as possible, but in no case longer than sixty (60) days after notification from the Director.
- E. All Landscaping and irrigation improvements placed in the parkway for the purpose of satisfying the requirements of this Chapter shall be properly maintained by the property owner

## **Article IV - Development - Commercial/Multi-Family**

### **18.46.400 Applicability**

A. All projects that are governed by this chapter shall provide landscaping in accordance with the requirements of this chapter. An underground automatic irrigation system, which complies with the requirement of this chapter, shall be provided for all required landscape area. All commercial landscaping will follow good Xeriscape principles. Plants used shall come from the "Approved Plant List". Said list shall be modified from time to time by The City of El Paso Tree Board, through the City of El Paso Building Permits and Inspections Department, or in the event that the Tree Board ceases to exist or function, by the City of El Paso Building Permits and Inspections Department. Plants, shrubs and trees shall be added as said plants are acknowledged to meet the same water consumption criteria as other plants on the Approved Plant List, when approved by the City of El Paso Tree Board.

#### **18.46.410 Plans required.**

**A.** All plans for construction projects that are required to provide landscaping shall be accompanied by a landscape plan and an irrigation plan equal in scale to the site plan submitted by the project architect, project engineer, or project designer that demonstrates compliance with the requirements of this chapter. Additional plans shall be at a minimum scale of one inch equals forty feet (1"= 40'0").

**B. Landscape Plan.** The landscape plan shall indicate the following:

1. Date, scale, north arrow, project title and project address; and landscape designer with their address, phone number, and designation of qualification..
2. Name, address and telephone number of the property owner or the owner(s) representative and person preparing the plan; and
3. Botanical name and common name, size, height, quantity and location of proposed landscape materials to be used, and
4. Landscape calculations, minimum required landscapable area, total landscape area, parking provided, vehicular use area, vehicular loading area, minimum required quantity of landscape materials, provided quantity of landscape materials, and
5. Total square footage of landscape area; and
6. Location of existing and proposed structures, trees, shrubs, swales, berms and utility lines and boxes (above and below ground) existing at the time of plan submission.

**C. Topographic Plans/Contours.** Plans showing the existing and proposed contour lines when required by the deputy director for building permits and inspections. A grade and drainage plan may be substituted for this plan.

**D. Irrigation Plan.** The irrigation plan shall be designed and sealed by a Texas Licensed Landscape Irrigator (see definition), and shall indicate the following:

1. Type, size and location of piping and sleeving; and
2. Type, size, radius, gpm, precipitation rate, design pressure and location of irrigation heads; and
3. Type, size, gph, details of installation, design pressure and the location of emitters or subsurface equipment; and
4. Estimated total annual water usage; and
5. Type, size and location of backflow prevention devices, valves, wiring and controllers.

#### **18.46.420 Required landscapable areas.**

**A. New Commercial Development.**

1. The required landscapable area shall be determined as follows:

**a. Interior Sites.** See Figure 1.

Site frontage multiplied by site depth (not to exceed 200') multiplied by .075 = Required Landscape Area (RLA).

**Note:** For projects wherein the project site frontage is significantly less than the actual project width (i.e. panhandle lots), the required landscape area of the project shall be calculated as described in Section C below.

- b. Corner Sites.** See Figure 2
- i. The required landscape area along the primary site street frontage shall be determined as follows: site frontage multiplied by site depth (not to exceed two hundred feet) multiplied by .075 equals required landscape area along the primary site street frontage.
  - ii. The required landscape area along the side street shall be determined as follows: side street frontage multiplied by side street site depth (not to exceed two hundred feet) multiplied by .050 equals required landscape area. Refer to Figure 2.
  - iii. In cases where the property has multiple frontages, the total landscape area shall be determined by applying the appropriate formula for each street front and adding the square footage of each to reach the total.

- c. Panhandle Sites.** See Figure 3
- For projects wherein the project site frontage is less than the actual project width (i.e. panhandle lots), the required landscape area of the project shall be determined as follows: Excluding the neck of the panhandle, the average width of the property in the first two hundred feet (200') of depth shall be used for the frontage calculation. This width shall be multiplied by the required landscapable site depth (not to exceed 200') by .075.

- B. Parkway - Public:** All parkways in Commercial/Multi-Family sites shall be landscaped, except sidewalks and driveways. The landscape area of the parkway shall, where possible, contain a proportionate share of the total required landscape plant material.
- C.** Excluding the public parkway landscapable area, up to and including forty percent (40%) of the remaining required landscapable area may be placed at the side(s) of the building(s), between the building(s), or at the rear of the building(s) when:
1. Additional landscapable area is provided, that is equal to one hundred and fifty percent (150 %) of the proposed area to be placed outside the adjacent frontage landscapable area; and
  2. Plant requirements are provided based on the amount of area that being added in 18.46.420.C.1.
- D.** In no case may the required landscapable area exceed ten percent (10%) of the total site area.
- E.** For purposes of illustration, the following exhibits are provided to graphically depict the landscape requirements required in this chapter.

**FIGURE 1**  
**FIGURE 2**  
**FIGURE 3**  
**FIGURE 4**  
**FIGURE 5**



#### **18.46.430 Required plants.**

##### **A. Site Landscaping.**

For every one thousand square feet, or portion thereof, of required landscapable area, the following plant materials shall be provided:

1. One (1) project deciduous or evergreen tree.
2. A minimum of twenty live shrubs of five gallon size which are a minimum of eighteen inches in height by eighteen inches in width at the time of planting. Note: The Director may allow exceptions for "dwarf" and prostrata plant species in specific locations upon request.
3. Ten (10) one-gallon size ground cover plants or one hundred (100) square feet of ground cover. Asphalt, concrete, or bare soil shall not be used for ground cover square footage.
4. Substitution of plant materials may be made according to the following ratios:
  - a. For each required project tree, ten (10) five-gallon shrubs may be substituted for up to fifty (50) percent of the required trees
  - b. For each ten (10) five-gallon shrub required, one tree may be substituted.
  - c. For each five-gallon shrub required, five one-gallon shrubs may be substituted for up to seventy-five (75) percent of the required five-gallon shrubs.
  - d. For each five (5) one-gallon ground cover, one (1) five-gallon ground cover may be substituted.
  - e. No substitution for required canopy trees shall be allowed except as provided for in Section 18.46.190.B.
  - f. Ten (10) five-gallon shrubs may be substituted for each parkway or median tree whenever site dimension constraints or site visibility constraints do not allow the planting of trees within parkways or medians.
  - g. Large shrubs in containers larger than five gallon or balled and burlapped material shall receive appropriate credit against the shrub requirement, gallon for gallon. For example, one (1) twenty gallon shrub would be the equivalent of providing four (4) five gallon shrubs against the landscape requirement. Balled and burlapped material shall be considered for equivalent credit on a case by case basis.

##### **B. Parking Lots and Vehicular Use Areas. (Figure 4)**

1. Except for industrial and warehouse facilities, all proposed parking and vehicular use areas with more than forty parking spaces or an area greater than fourteen thousand (14,000) square feet shall be provided with at least one canopy tree for every twenty parking spaces or seven thousand (7,000) square feet of vehicular use area or portion thereof (truck courts and truck & trailer parking lots are exempt from this criteria and shall only comply with B2).
2. For industrial and warehouse facilities, all proposed parking and vehicular use areas with more than one hundred parking spaces or an area greater than thirty thousand (35,000) square feet shall be provided with at least one (1) canopy tree for every twenty (20) parking spaces or seven thousand (7,000) square feet of vehicular use area or portion thereof.
  - a. Truck courts and truck-trailer parking lots shall not be required to have canopy trees within the curb areas or the truck-trailer parking lot. However,

canopy trees shall be placed throughout the remaining landscape area of the project based on:

- 1) One (1) canopy tree per forty (40) trailer storage or parking spaces or fraction thereof; or
  - 2) one (1) canopy tree per twenty-eight thousand square feet (28,000 sq. ft.) of the truck area or fraction thereof whichever is greater.
  - 3) The trees required from the calculations noted above, shall be placed throughout the remaining landscape area of the property.
3. Except for industrial and warehouse areas, canopy trees shall be placed and dispersed uniformly within the parking or vehicular use area such that no point within the parking or vehicular use area is more than seventy (70') feet from a tree trunk (truck courts and truck & trailer parking lots exempt)
  4. For industrial and warehouse areas, canopy trees may be placed within the parking area or vehicular use area with due consideration for vehicle movement and maneuvering or directly adjacent to the vehicular use area. (truck courts and truck & trailer parking lots exempt)
  5. Covered parking areas shall be exempt from this requirement.
  6. Canopy trees shall be located with respect to the location of Parking lot light fixtures, unless the lighting is placed in the canopy of the trees.
  7. In no event shall canopy trees be required to be planted in delivery, loading including grade, ramp or dock, or trailer storage areas.
  8. The Director may accept substitution of alternative plant materials for required canopy trees under an alternate method of compliance.

**C. Screening (Visual Screens).** All plant material used as a screening shall be in addition to the minimum landscape requirements.

1. Plant material shall be disbursed throughout the depth of the screened area but must still be placed to provide continuous screening.
2. Type of screening will be Opaque, Semi-Opaque or Broken screen. The type of screening may be as required by the City Plan Commission, City Council or the Zoning Ordinance.
3. Screening Plant Material shall be based on the type of screening required and shall incorporate a combination of project trees, five (5) gallon shrubs, walls, fences and earthen berms.

**4. Type of Screening (See Figure 5)**

**a. Opaque Screen.**

A screen that appears opaque from the ground to the height of at least 6 ft. with intermittent visual opening from the opaque portion to a height of at least twenty feet (20'). The opaque screen may be a combination of wall or opaque fence and landscaped earthen berms and plant material. Visual openings shall not exceed more than fifteen feet (15').

**b. Semi Opaque Screen.**

A screen that appears opaque from the ground to a height of three feet, with visual openings from above the opaque portion to a height of at least twenty feet (20'). The semi-opaque screen may be composed of a combination of wall, fence or landscaped earthen berms and plant material. Visual openings shall not exceed more than thirty feet (30').

**c. Broken screen.**

A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20'). It shall be composed of a combination of wall, fence or landscaped earthen berms and plant material. Visual openings shall not exceed more than sixty feet (60').

**18.46.440 Irrigation Requirements.**

See 18.46.320.

**18.46.450 Parks**

This Article specifically excludes public and/or private parks that are developed specifically under a development agreement with the City of El Paso. Further, it specifically excludes public or private parks that are developed in accordance with the Parkland Dedication Ordinance (see Article 19.12 of the Municipal Code, The Park Development Dedication Ordinance).

**Article V - Development - Single Family**

**18.46.500 Residential Standards**

- A. Trees Required.** All new single family, two family, four family, six family and eight family units are required to provide for two five gallon trees per unit. The required trees must be from the Approved Plant List, and may be placed anywhere on the lot. The two tree requirement must be satisfied by either:
- (1) Installing the trees prior to receiving a final inspection for the structure,
  - (2) Providing proof by way of an address specific voucher from a local nursery which provides for the required tree installation at a later date,
  - (3) A copy of a contract between the builder and homebuyer which provides for the required tree installation in conjunction with other landscaping obligations or
  - (4) Other proof approved by the Director of the Building Permits and Inspections Department.

- B. Turf.** Turf, when provided, must comply with Section 15.13.130 B of the El Paso City Code.
- C. Irrigation.** Irrigation systems shall be installed in accordance with the standards and requirements of the International Plumbing Code (as may be modified for the City of El Paso) and the TCEQ regulations.
- D. Residential Parkways:** Where existing, the front or side of a residential lot, are not required to be landscaped, but are encouraged to be landscaped. When landscaped, parkways shall conform to Section 15.13.130
- E.** No other standards of this chapter shall apply to Development - Single Family.

## **Article VI - Parkways**

### **18.46.600 Parkways - Arterial Streets**

- A.** Parkways on Arterial streets at the rear of Double Frontage lots, where existing, shall be required to have surfaces that are dust free. Dust free surfaces include, but are not limited to concrete, pavers, stamped concrete, rock or other natural topping with a weed barrier underneath. When vegetation is required by the City Plan Commission under Section 19.16.080.D of the El Paso City Code, the developer shall provide the landscape water meter and install it with the City of El Paso paying all water consumption fees. After acceptance of the subdivision, the City of El Paso shall maintain the landscaping.

## **Article VII - Medians**

### **18.46.700 Medians**

- A.** The following rules shall apply:
1. Arterial medians shall be landscaped per the provisions specified in this chapter.
  2. Safety shall be the foremost consideration in the selection of and placement of landscaping materials in the arterial medians.
  3. All plants, trees, and other vegetation shall come from the Approved Plant List of the City of El Paso Landscape Ordinance

### **18.46.710 Arterial Medians**

**A. Criteria**

1. Pedestrian crossing areas shall be surfaced with hard paving suitable for foot and wheel-chair traffic.
2. Vegetation will not be allowed:
  - a. If the slope of the median is not conducive to irrigating and has a slope of five to one or greater.
  - b. In portions of the median where the minimum width of the median is five (5') feet or less.
3. Landscaped areas in medians, which will not contain vegetation shall:
  - a. Have ground cover or other natural topping, including, but not limited to, concrete, stamped concrete, granite, river rock or chat;
  - b. Have a weed barrier mat beneath any natural topping, if the City of El Paso is responsible for the maintenance.
  - c. Have surfaces which shall be at least two inches (2") below the top of the curbline for all areas and within twenty-four inches (24") of the back of the curbline. Swales and berms are encouraged to allow natural water harvesting.
4. Landscaped areas in medians which will contain vegetation:
  - a. An irrigation system shall be installed if the minimum width of the median is five (5') feet or more. The irrigation system shall be a drip or sub-surface irrigation system. The design of the irrigation system shall be done by a Texas Licensed Landscape Irrigator or by any other person authorized under state law. The Developer shall pay for the water meter, and shall provide for the installation of the irrigation system and landscaping. Upon acceptance of the landscaping, the City of El Paso shall maintain the

irrigation system and landscaping, and shall pay for the water consumption.

- b. Landscaped surfaces shall be at least two inches (2") below the top of the curbline for all areas and within twenty-four inches of the back of the curbline. Swales and berms are encouraged to allow natural water harvesting.
- c. Trees and shrubs are permitted in medians if they are planted in locations which do not obstruct sight distance and where low-hanging tree or shrub branches do not hinder traffic movement.
- d. All low-lying plants must be kept pruned a minimum of two feet from the back of the curbline.
- e. Plant wells shall be constructed by means of swales rather than through the use of berms.
- f. The following plant materials shall be planted in the median areas:
  - 1. One (1) deciduous or evergreen tree having a minimum two (2") inch caliper and a minimum height of eight (8) feet or two (2) one and one half inch (1-1/2") caliper trees with a minimum height of six (6') feet.
  - 2. Live shrubs of five (5) gallon size, which are a minimum of eighteen (18) inches in width at the time of planting.
  - 3. The calculations for the plant materials shall be as follows:  
Excluding, the median area less than five (5') feet - face to face - in width there shall be one (1) tree for every fifty (50') feet or fraction thereof and three (3) shrubs for every ten (10') feet or fraction thereof or median length

- B. **Residential Medians** are intentionally omitted from this Ordinance. Residential median landscaping shall be submitted by the Developer, as part of the subdivision improvement plans.

## **Article VIII – Alternative Compliance**

### **18.46.800 Alternative Compliance.**

- A. The requirements contained in this chapter are intended to encourage development that is economically viable and environmentally sensitive. They are not intended to be so specific as to inhibit creative development or limit the type or quantity of plants. Project conditions associated with individual sites may justify approval of alternative methods of compliance. Conditions may also arise where normal compliance is impractical or impossible, or where maximum achievement of the City's objectives can be obtained only through alternative compliance.
- B. Requests for alternative compliance may be accepted when one or more of the following conditions are met:
  - 1. Topography, soil, drainage or other site conditions are such that full compliance is unattainable.
  - 2. Improved environmental quality would result from the alternative compliance provisions.

3. Special limitations, unusually shaped pieces of land, unusual service requirements or prevailing practices in the surrounding neighborhood may justify alternative compliance.
4. New plants that are appropriate to the El Paso area with water requirements equivalent to that of similar plants from the Approved Plant List of El Paso are proposed.

C. A request for alternative compliance shall be made by the Landscape Designer and submitted to the Director. The decision of the Director shall be final, unless the applicant files an appeal with the appropriate Board of Appeals within 30 days of receipt of the Director's decision.

1. A Point System shall be used for the alternative compliance. Points shall be assigned for the required landscapable area and design features.
2. One (1) point shall be assigned to each twenty square feet (20 s.f.) or portion thereof of required landscapable area not provided in the proposed design.
2. Using a combination of design features from the following table, the proposed design must attain a minimum number of one (1) point for each twenty square feet (20 s.f.) or portion thereof of lacking required landscapable area.

ITEM	POINTS
For each Canopy Trees that meets or exceeds a minimum caliper of 3".	15
For each Project Tree that meets or exceeds a minimum caliper of 3".	15
Use of multiple tree species. Each used species cannot exceed twenty-five percent (25%) of the total required trees. Existing trees cannot be used to meet this requirement.	15
Provide Root Barriers or Bio Barriers and structural fill for tree installation in parkways. For each tree	5
Each Additional Project Tree with a minimum caliper of 2"	15
Preservation or Relocation of existing Trees 2" or greater: per inch of caliper	10
For each additional tree, 2" or greater in caliper, that is installed within the site.	15
For irrigation systems that will utilize a combination of ET controllers, moisture sensors, or wind and/or rain shut-off switch equipment having the capability to override the irrigation cycle of the irrigation system when adequate precipitation, soil moisture or climate conditions occur: For the first one thousand square feet (1000 s.f.) of required landscapable area For each additional one thousand square feet (1000 s.f.) of required landscapable area	15 5
For a water audit for spray head applications that attains a minimum Distribution Uniformity Rate/low quartile (DU/lq) of fifty-five percent (55%): For each one thousand square feet (1000 s.f.) of spray area within required landscapable area	15
For each Canopy Tree planted in a well area greater than eighty (80 s.f.) square feet	10

For turf irrigation utilizing subsurface irrigation applications: For each 1000 square feet of irrigated turf area	25
For turf areas having six (6") of topsoil and with a minimum of five (5) cubic yards of organic matter per each one thousand square feet (1000 s.f.) of soil incorporated to a depth of at least 6 inches by tilling, discing or other suitable method: Per each one thousand square feet (1000 s.f.)	5
For the installation of 1 additional Canopy Tree above the minimum requirements:	20
For the installation of pervious water harvesting features such as swales, berms, etc.:  For each one thousand square feet (1000 s.f.) of landscapable area designed to receive run-off for water harvesting purposes from roofs and vehicular use areas	15

**D.** Requests for alternative compliance shall be accompanied by sufficient written explanations and detailed landscaping, irrigation, grading and site plans to allow appropriate evaluation by the Director.

**E. Payment to Tree Board.**

Sites that are unable to provide the required landscapable area as determined by the Director may petition the Director to instead provide a monetary payment to the City. Upon approval by the Director, the amount of the donation shall be equal to \$5.00 for each square foot or portion thereof of the required landscapable area that cannot be placed within the site. The donations shall be deposited in a restricted City fund dedicated to the provision and planting of trees.

## **Article IX – Administrative**

### **18.46.900 Enforcement.**

- A. Revocation of Permit.** The Director of Building Permits & Inspections may revoke a permit upon determination that the work for which the permit was issued is in violation of, or is not in conformity with, the provisions of this chapter.
- B. Stop Work Order.** Upon notice from the Director of Building Permits & Inspections, work on any landscaping/irrigation system that is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the property owner, or to their agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Director of Building Permits & Inspections shall not be required to give written notice prior to stopping work.
- C. Citations.** The Director of Building Permits & Inspections shall be authorized to issue citations for violations of this chapter, which shall be prosecuted in municipal court.

### **18.46.910 Appeals.**

- A.** When the Director of Building Permits & Inspections does not approve a landscape or irrigation plan, or the installation of these improvements, the owner or duly authorized representative may appeal that decision to the appropriate board of appeals.
- 1.** The board may grant exception to this chapter for the following circumstances:

- a. When topography is such that full compliance is an excessive hardship;
  - b. When the requirements of this chapter create safety hazard.
  - c. Where normal compliance is impractical or impossible.
  - d. Where achievement of the City's objectives can only be obtained through alternative compliance.
  - e. When an equally good or better form or method of landscaping or irrigation is Proposed.
- 2. The board may grant exception the Standard or Alternative Methods of Compliance of it's own volition when the applicant has provided evidence sufficient to show that the proposal meets or exceeds the purpose of this chapter.
  - 3. Granting of a request for Standard or Alternative compliance as provided in this section shall not have the effect of nullifying the intent and purpose of this chapter.
  - 4. The Appeals Board may impose conditions, where necessary, to assure conformity with the purpose and intent of this chapter.

**18.46.920 Conflicts.**

Where any provision of federal, state, county or local law conflicts with any provision of this Code, the most restrictive shall govern unless otherwise regulated by law.

**18.46.930 Violations.**

Any person, firm, corporation or agent who shall violate a provision of this code, or fails to comply therewith, or with any of the requirements thereof, or who shall has erected, constructed, altered, installed, demolished or moved any landscaping or irrigation system, or has erected, constructed, altered, repaired, moved or demolished any landscaping or irrigation system, in violation of a detailed statement or drawing submitted and permitted under this Chapter, shall be charged with a Class C Misdemeanor which is punishable by a fine which shall not to exceed two thousand dollars. Each such person may be charged with a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code or of the technical codes is committed or continued.

**18.46.940 Severability.**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.



PASSED AND APPROVED this \_\_\_\_\_ day of September, 2004.


THE CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Marvin Foust  
Assistant City Attorney

APPROVED AS TO CONTENT:


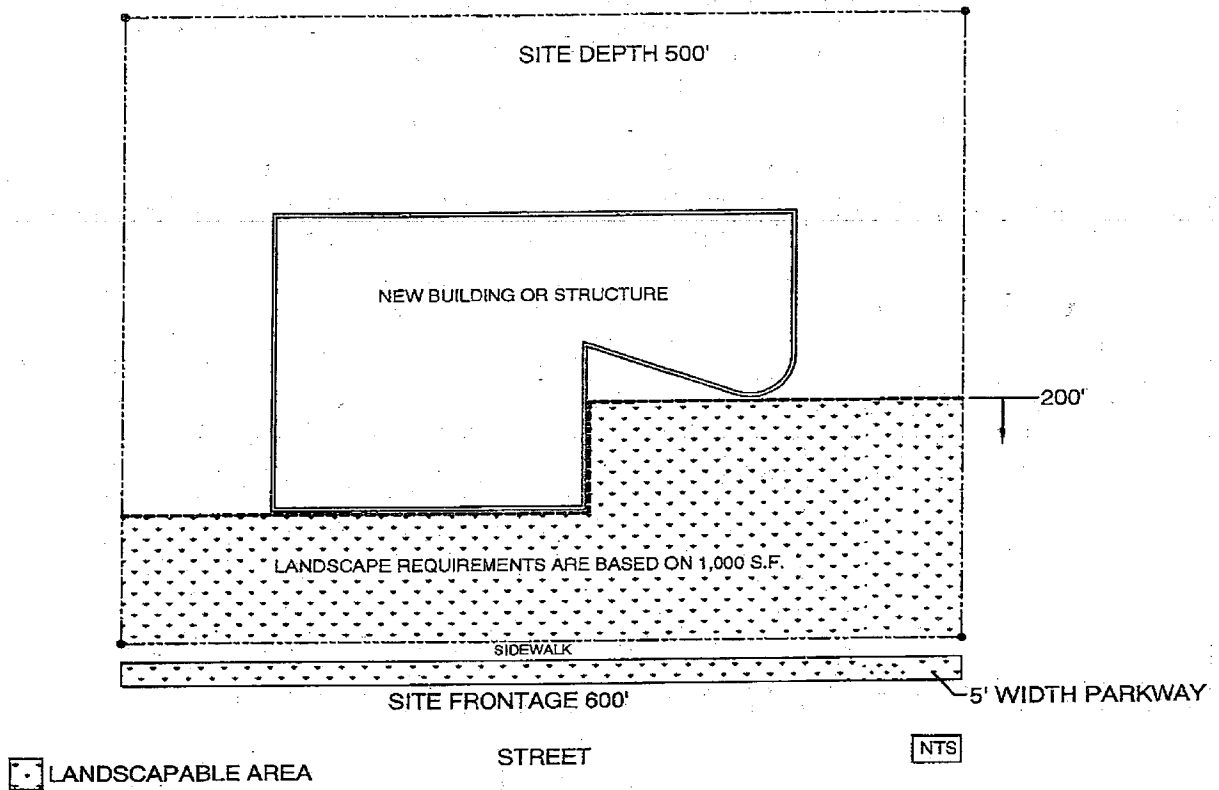
  
\_\_\_\_\_  
R. Alan Shubert, P.E.  
Director for Building Permits  
and Inspections

FIGURE 1

## NEW DEVELOPMENT



### LANDSCAPABLE STATISTICS:

$\text{SITE FRONTAGE} \times \text{SITE DEPTH (TO A MAXIMUM OF 200')} \times 7 \frac{1}{2}\% = \text{REQUIRED LANDSCAPE AREA}$

### NEW DEVELOPMENT

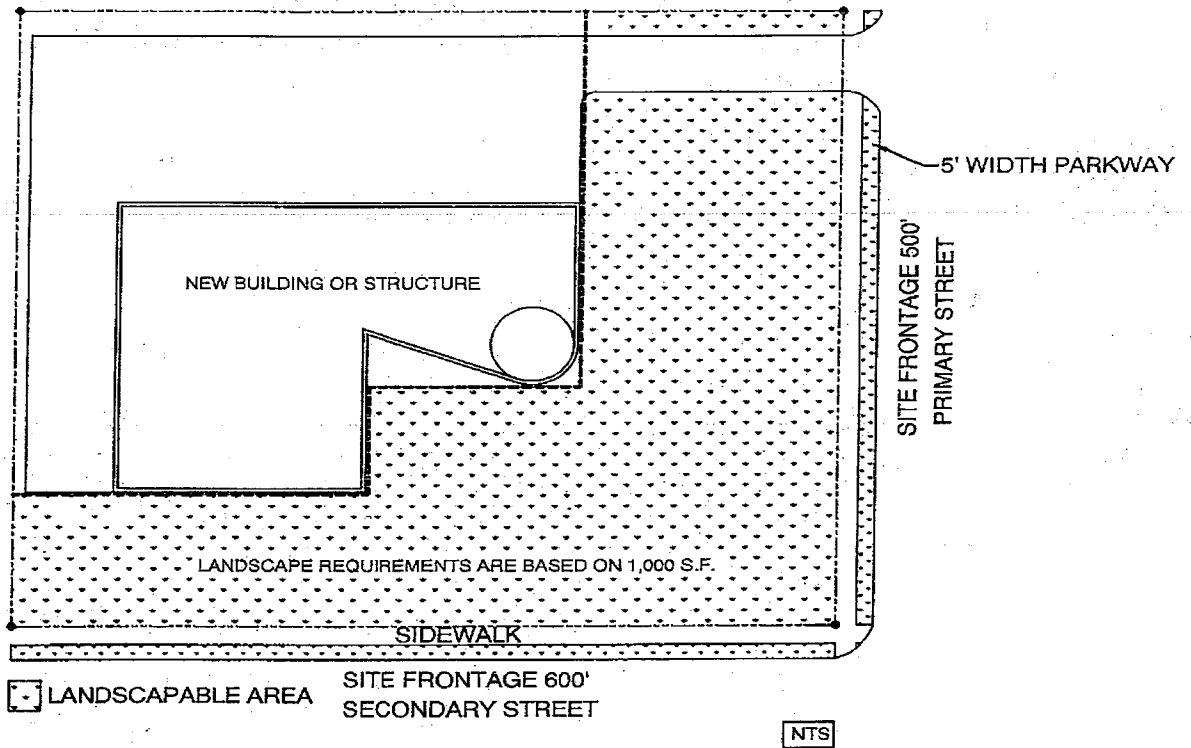
### SINGLE FRONTAGE

Landscape Requirement:	$600 \times 200 \times 7.5\% =$	9,000 s.f.
Total Required Landscape Area	9,000 s.f.	
Required Parkway Landscape Area	3,000 s.f.	
Required Interior Landscape Area	6,000 s.f.	

Plant Type	Area	Calculations	Proposed
Project Trees	9,000	1 / 1,000 s.f.	9
Shrubs	9,000	20 / 1,000 s.f.	180
Ground Cover	9,000	10 / 1,000 s.f.	90
Whole Units Only			

FIGURE 2

## NEW DEVELOPMENT TWO OR MORE FRONTAGES



### LANDSCAPABLE STATISTICS:

PRIMARY: [SITE FRONTAGE x SITE DEPTH (TO A MAXIMUM OF 200')] x 7.1/2% = REQUIRED LANDSCAPE AREA

SECONDARY: [SITE FRONTAGE x SITE DEPTH (TO A MAXIMUM OF 200')] x 5% = REQUIRED LANDSCAPE AREA

ADDITIONAL FRONTAGES: [SITE FRONTAGE x SITE DEPTH (TO A MAXIMUM OF 200')] x 5% = REQUIRED LANDSCAPE AREA

### NEW DEVELOPMENT

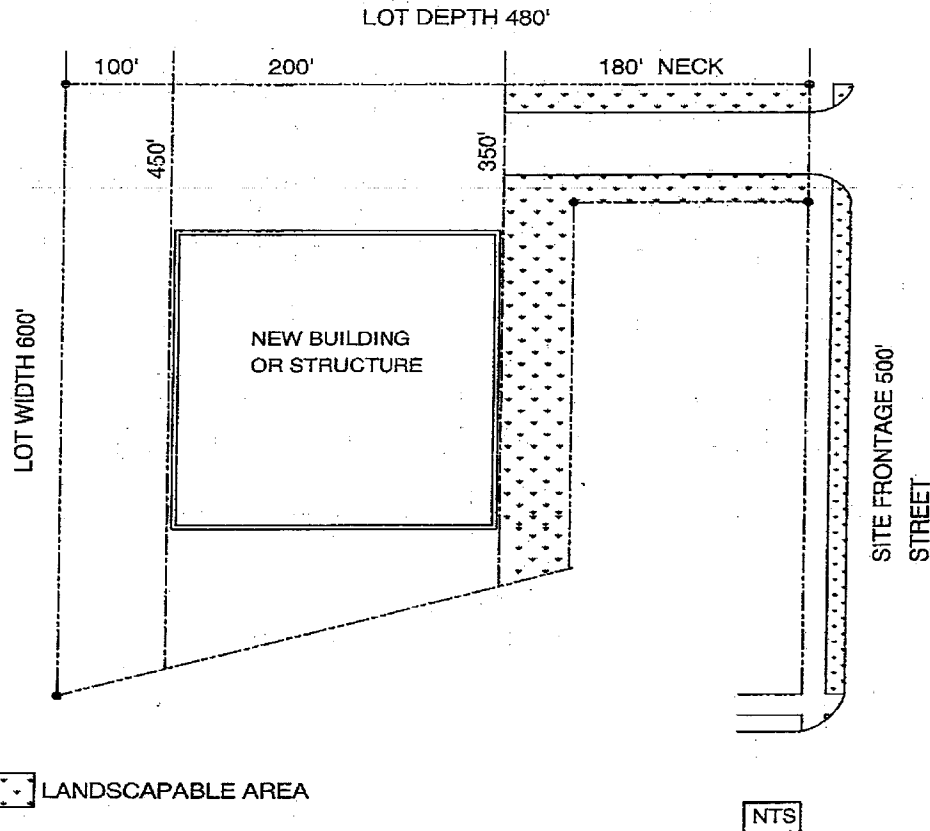
### MULTIPLE FRONTAGES

Landscape Requirement: Primary Street	500 x 200 x 7.5% =	7,500 s.f.
Landscape Requirement: Second Street	600 x 200 x 5.0% =	6,000 s.f.
Landscape Requirement: Third Street	0 x 0 x 5.0% =	0 s.f.
Total Required Landscape Area	13,500 s.f.	
Required Parkway Landscape Area	3,000 s.f.	
Required Interior Landscape Area	10,500 s.f.	

Plant Type	Area	Calculations	Proposed
Project Trees	13,500 s.f.	1 / 1000 s.f.	14
Shrubs	13,500 s.f.	20 / 1000 s.f.	280
Ground Cover	13,500 s.f.	10 / 1000 s.f.	140
Whole Units Only			

FIGURE 3

## NEW DEVELOPMENT PANHANDLE LOT



### LANDSCAPABLE STATISTICS:

- AVERAGE SITE WIDTH x SITE DEPTH (TO A MAXIMUM OF 200')] x 7 1/2% = REQUIRED LANDSCAPE AREA

### PANHANDLE LOT

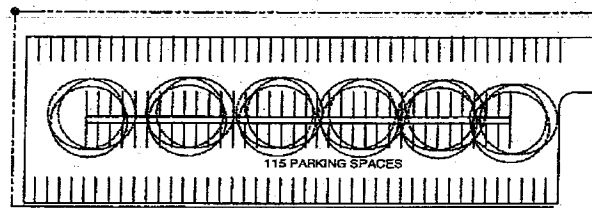
Landscape Requirement: Average Width	$350 + 450 = 800 / 2 =$	400 l.f.
	$400 \times 200 \times 7.5\% =$	6,000 s.f.
Total Required Landscape Area	6,000 s.f.	

Plant Type	Area	Calculations	Proposed
Project Trees	6,000 s.f.	1 / 1,000 s.f.	6
Shrubs	6,000 s.f.	20 / 1,000 s.f.	120
Ground Cover	6,000 s.f.	10 / 1,000 s.f.	60
Whole Units Only			

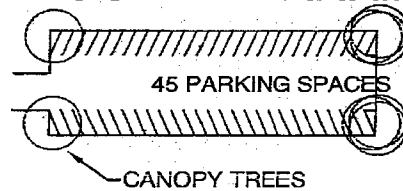
FIGURE 4

## PARKING REQUIREMENTS

### MULTI ROW PARKING



### ANGULAR PARKING



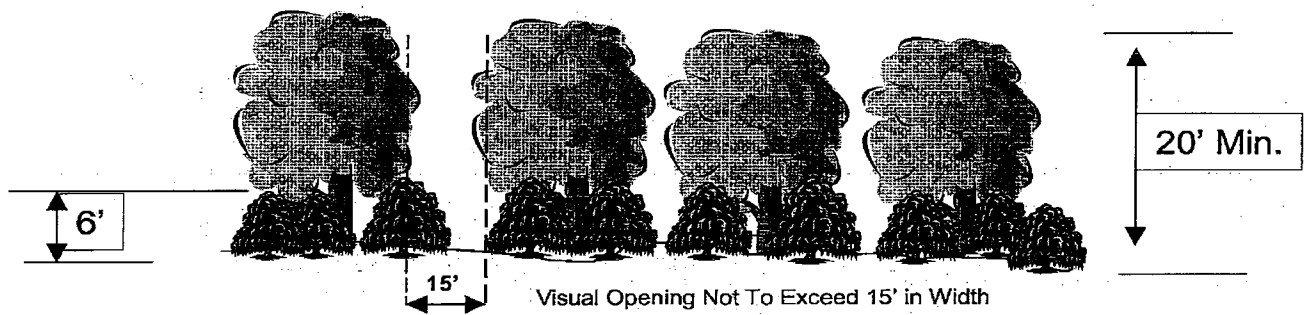
CANOPY TREES

<b>New Development</b>	> 40 Spaces or > 14,000 s.f.	1 / 20 Spaces or 1 / 7,000 s.f.	
Proposed New Parking Spaces	40	0 / 20	
Canopy Trees Required		0	Whole Units Only
<b>Expansion of Existing Parking</b>	> 25% Expansion		
Existing Parking Spaces / Area Requirements	Refer to 18.46.420		
<b>Industrial</b>	> 100 Spaces or > 35,000 s.f.	1 / 20 Spaces or 1 / 7,000 s.f.	
Parking Spaces or Square footage			
Proposed New Parking Spaces	78 / 64,000 s.f.	0 / 10	
Canopy Trees Required		10	Whole Units Only
<b>Truck Courts &amp; Truck - Trailer Lots</b>		1 / 40 spaces or 1 / 28,000 s.f.	
Parking Spaces or Square footage			
Proposed Parking Spaces or Square footage	12 / 150,000 s.f.		
Canopy Trees Required		0 / 6	Whole Units Only

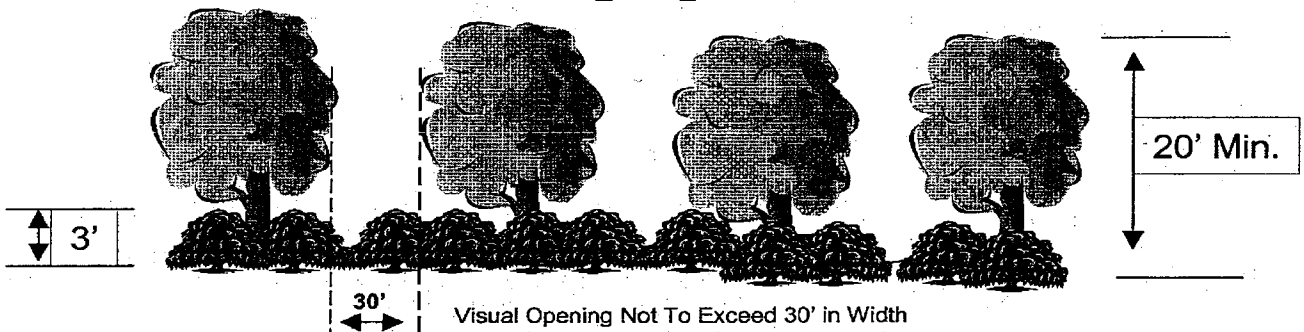
FIGURE 5

## Screening

### Opaque Screen



### Semi-Opaque Screen



### Broken Screen

